UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/47/659
24 November 1992

ORIGINAL: ENGLISH

Forty-seventh session
Agenda item 92

RIGHT OF PEOPLES TO SELF-DETERMINATION

Report of the Third Committee

Rapporteur: Mr. Vitavas SRIVIHOK (Thailand)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-seventh session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 91 at its 3rd to 10th, 13th, 20th and 25th meetings, on 5, 7 to 9, 14, 21 and 25 October and 2 November 1992. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/47/SR.3-10, 13, 20 and 25).

3. For its consideration of the item, the Committee had before it the following documentation:

(a) Report of the Secretary-General (A/47/433);

(b) Note by the Secretary-General on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/47/412);

(c) Letter dated 17 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Solomon Islands to the United Nations addressed to the Secretary-General (A/47/391);

(d) Letter dated 25 August 1992 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (A/47/564);

(e) Letter dated 20 October 1992 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/47/567-S/24695);

(f) Letter dated 7 October 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/47/3).

4. At the 3rd meeting, on 5 October, the Under-Secretary-General for Human Rights made a statement (see A/C.3/47/SR.3).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/47/L.4

5. At the 13th meeting, on 21 October, the representative of Mauritania, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights" (A/C.3/47/L.4).

6. At the 25th meeting, on 2 November, the representative of Mauritius, on behalf of the same sponsors, orally revised the draft resolution as follows:

(a) In the seventh preambular paragraph, the words "the intervention of" were replaced with the words "action by";

(b) In operative paragraph 10, the word "regime" was replaced with the word "Government";

(c) In operative paragraph 25, the words "anti-apartheid organizations and" were inserted before the words "national liberation movements".

7. At the same meeting, the representative of Israel made a statement in explanation of vote before the vote (see A/C.3/47/SR.25).

8. Also at the same meeting, the Committee adopted draft resolution A/C.3/47/L.4, as orally revised, by a recorded vote of 90 to 22, with 30 abstentions (see para. 19, draft resolution I). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon,

Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Argentina, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Hungary, Iceland, Israel, Italy, Luxembourg, Netherlands, Norway, Poland, Romania, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Azerbaijan, Belarus, Costa Rica, Croatia, Estonia, Greece, Grenada, Ireland, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Malta, Marshall Islands, Micronesia (Federated States of), New Zealand, Panama, Portugal, Republic of Korea, Republic of Moldova, Slovenia, Spain, Swaziland, Turkey, Ukraine, Uruguay.

9. After the adoption of the draft resolution, statements were made by the representatives of Jamaica, Uruguay, Brazil, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Community), the Russian Federation, the United States of America, Australia, Japan, Panama and Zimbabwe (see A/C.3/47/SR.25).

B. Draft resolution A/C.3/47/L.5

10. At the 13th meeting, on 21 October, the representative of Pakistan, on behalf of Afghanistan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Cape Verde, Chile, Colombia, the Comoros, Costa Rica, Djibouti, Ecuador, El Salvador, Guatemala, Iran (Islamic Republic of), Jordan, Kuwait, Malaysia, Mauritania, Morocco, Oman, Pakistan, Papua New Guinea, Qatar, Samoa, Saudi Arabia, Sierra Leone, Singapore, the Sudan, Thailand, Trinidad and Tobago and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/47/L.5). Subsequently, Bahrain, the Dominican Republic and Nicaragua joined in sponsoring the draft resolution.

11. At the 20th meeting, on 28 October, the Committee adopted draft resolution A/C.3/47/L.5 without a vote (see para. 19, draft resolution II).

12. After the adoption of the draft resolution, the representative of India made a statement (see A/C.3/47/SR.20).

C. Draft resolution A/C.3/47/L.7

13. At the 13th meeting, on 21 October, the representative of Cuba, on behalf of Angola, Colombia, Cuba, Ecuador, Mexico, Namibia, Nigeria, Sierra Leone, Uganda, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination" and orally revised it by deleting from operative paragraph 4 the words "and for the destabilization of the Governments of southern African States" (A/C.3/47/L.7).

14. Subsequently, Liberia joined in sponsoring the draft resolution.

15. At the 25th meeting, on 2 November, the representative of Cuba further orally revised the draft resolution by replacing the words "racist South African regime" with the words "Government of South Africa" in operative paragraph 4.

16. At the same meeting, the representative of Israel made a statement in explanation of vote before the vote (see A/C.3/47/SR.25).

17. Also at the same meeting, the Committee adopted draft resolution A/C.3/47/L.7 by a recorded vote of 96 to 10, with 36 abstentions (see para. 19, draft resolution III). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Belgium, Bulgaria, France, Germany, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Australia, Austria, Azerbaijan, Belarus, Canada, Croatia, Czechoslovakia, Denmark, Estonia, Finland, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Malta, Marshall Islands, Micronesia (Federated States of), New Zealand, Norway, Poland, Romania, Russian Federation, Slovenia, Spain, Swaziland, Sweden, Turkey, Ukraine.

18. After the adoption of the draft resolution, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland, on behalf of the States Members of the United Nations that are members of the European Community, Japan, Brazil and Kazakhstan (see A/C.3/47/SR.20).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

19. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights

The General Assembly,

Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Reaffirming also the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights,

Reaffirming further the obligation of all Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination,

Recalling its resolution 1514 (XV) and all relevant resolutions concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Considering the urgent need of Namibia for assistance in its efforts to reconstruct and strengthen its fledgling economic and social structures,

Recalling with satisfaction the adoption at Harare on 21 August 1989 of the Declaration of the Ad Hoc Committee of the Organization of African Unity on Southern Africa on the question of South Africa 1/ and its subsequent endorsement by the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 2/ as well as the report of the Monitoring Group of the Ad Hoc Committee of the Organization of African Unity on Southern Africa, 3/ and the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 4/ adopted by the General Assembly on 14 December 1989,

Welcoming Security Council resolution 765 (1992) of 16 July 1992, and Council resolution 772 (1992) of 17 August 1992, which, inter alia, provides the basis for action by the Secretary-General in South Africa in order to assist the people of South Africa in ending the violence in that country,

Recalling the Abuja Declaration on South Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-seventh ordinary session, held at Abuja from 3 to 5 June 1991, 5/

Reaffirming that the system of apartheid imposed on the South African people constitutes a violation of the fundamental rights of that people, a crime against humanity and a threat to regional peace and security,

Deeply concerned that, in spite of the National Peace Accord signed on 14 September 1991, 6/ acts of assassination of members and leaders of national liberation movements in South Africa are still continuing,

Recalling its resolution 46/79 A, adopted by consensus on 13 December 1991, in which, inter alia, it reaffirmed the need for the full implementation of the provisions of the Declaration on Apartheid and its Destructive Consequences in Southern Africa that were not yet fulfilled,

Noting with concern that, while significant legal and political measures in the right direction have been undertaken by the Government of South Africa, there remain various pieces of security legislation that restrict the possibilities for free and peaceful political activity, and that apartheid remains in place,

---

1/ A/44/697, annex.

2/ See A/44/551-S/20870, annex.

3/ A/44/963, annex.

4/ Resolution S-16/1, annex.

5/ A/46/390, annex II.

6/ See Centre Against Apartheid, Notes and Documents, No. 23/91.

Noting with concern that political trials and the detention of opponents of apartheid continue in South Africa in total disregard of the provisions of the Declaration on Apartheid and its Destructive Consequences in Southern Africa,

Deeply concerned about the current wave of violence in South Africa resulting from the continued existence of apartheid policies, practices and structures as well as from actions of those forces opposed to the democratic transformation of the country,

Gravely concerned that a number of South African patriots remain on death row,

Welcoming the signing of the General Peace Agreement for Mozambique 7/ at Rome on 4 October 1992, which provides for the termination of the armed conflict in that country,

Reaffirming the national unity and territorial integrity of the Comoros,

Recalling the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights, adopted by the International Conference on the Question of Palestine, 8/

Considering that the continuation of the Israeli oppressive measures and the denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine constitute a serious threat to international peace and security,

Bearing in mind United Nations resolutions related to the question of Palestine and the rights of the Palestinian people,

Deeply concerned and alarmed at the deplorable consequences of Israel's acts of aggression against Lebanon and its practices in and its continuing occupation of parts of southern Lebanon, as well as its refusal to implement the relevant resolutions of the Security Council, in particular resolution 425 (1978) of 19 March 1978,

1. Calls upon all States to implement fully and faithfully all the relevant resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

7/ S/24635, annex.

8/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I.

2. Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation, in all its forms and by all available means;

3. Reaffirms also the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference;

4. Calls upon those Governments which do not recognize the right to self-determination and independence of all peoples still under colonial domination, alien subjugation and foreign occupation to do so;

5. Calls upon Israel to refrain from the constant, deliberate violations of the fundamental rights of the Palestinian people, which constitute an obstacle to the achievement of self-determination and independence by the Palestinian people and the ongoing efforts towards comprehensive peace in the region;

6. Urges all States, the specialized agencies and organizations of the United Nations system, as well as other international organizations, to extend their support to the Palestinian people through its sole and legitimate representative, the Palestine Liberation Organization, in its struggle to regain its right to self-determination and independence in accordance with the Charter of the United Nations;

7. Urgently appeals to all States, the organizations of the United Nations system and other international organizations to render assistance to Namibia in order to enhance its efforts in promoting democracy and economic development;

8. Reaffirms its rejection of the so-called "tri-cameral constitution" of 1983 as null and void, and reiterates that peace in South Africa can be guaranteed only by the establishment of majority rule through the full and free exercise of adult suffrage by all the people in a united and undivided South Africa;

9. Strongly urges the Government of South Africa to take additional steps to implement fully the provisions of the Declaration of the Ad Hoc Committee of the Organization of African Unity on Southern Africa on the question of South Africa, 1/ and the Declaration on Apartheid and its Destructive Consequences in Southern Africa; 4/

10. Calls for an immediate end to violence and calls upon the Government of South Africa to exercise its responsibility to end it through, inter alia, strict adherence to the National Peace Accord;

11. Calls upon all signatories to the National Peace Accord to manifest their commitment to peace by fully implementing its provisions and calls upon all other parties to contribute to the attainment of its objectives;

12. Strongly condemns the establishment and use of armed groups with a view to pitting them against the national liberation movements;

13. Demands that the Government of South Africa repeal the security legislation that remains in force, which inhibits free and peaceful political activity;

14. Requests the Secretary-General to act speedily to implement Security Council resolution 772 (1992) in its entirety, including those parts pertaining to the investigation of criminal conduct and the monitoring of all armed formations in the country;

15. Demands the full application of the mandatory arms embargo against South Africa, imposed under Security Council resolution 418 (1977) of 4 November 1977, by all countries and more particularly by those countries which maintain military and nuclear cooperation with the Government of South Africa and continue to supply it with related matériel;

16. Expresses its deep concern about the actions by certain countries whose premature relaxation of existing measures against the South African regime, in flagrant violation of the United Nations consensus declaration, encourages the regime to persist in its oppression of the Black majority with regard to their right to self-determination;

17. Strongly urges the international community, pursuant to General Assembly resolution 46/87 of 16 December 1991, to continue to extend maximum assistance to Lesotho to enable it to fulfil its international humanitarian obligations towards refugees;

18. Pays tribute to the Government and people of Angola for their noble contribution to the evolving climate of peace in southern Angola;

19. Demands that the Government of South Africa pay compensation to Angola for damages caused, in accordance with the relevant decisions and resolutions of the Security Council;

20. Demands also that the Government of South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from the unprovoked and unwarranted military attacks of 14 June 1985, 19 May 1986 and 20 June 1988 on the capital of Botswana;

21. Calls upon the international community to extend its generous support to the ongoing efforts aimed at ensuring respect for and the successful implementation of the General Peace Agreement for Mozambique signed at Rome on 4 October 1992 7/ and at assisting the Government of Mozambique in the establishment of lasting peace and democracy and in the promotion of an effective programme of national reconstruction in that country;

22. Fully supports the Secretary-General in his efforts to implement the plan for the settlement of the question of Western Sahara by organizing, in

cooperation with the Organization of African Unity, a referendum for the self-determination of the people of Western Sahara;

23. Notes the contacts between the Government of the Comoros and the Government of France in the search for a just solution to the problem of the integration of the Comorian island of Mayotte into the Comoros, in accordance with the resolutions of the Organization of African Unity and the United Nations on the question;

24. Strongly condemns the continued violation of the human rights of the peoples still under colonial domination and alien subjugation;

25. Calls for a substantial increase in all forms of assistance given by all States, United Nations organs, the specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and apartheid through anti-apartheid organizations and national liberation movements recognized by the Organization of African Unity;

26. Reaffirms that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

27. Demands the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights, 9/ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

28. Expresses its appreciation for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, organizations of the United Nations system and other intergovernmental organizations, and calls for a substantial increase in that assistance;

29. Urges all States, the specialized agencies and other competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

30. Decides to consider this question at its forty-eighth session under the item entitled "Right of peoples to self-determination".

9/ Resolution 217 A (III).

DRAFT RESOLUTION II

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, 10/ as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its thirty-sixth, 11/ thirty-seventh, 12/ thirty-eighth, 13/

10/ Resolution 2200 A (XXI), annex.

11/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

12/ Ibid., 1981, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

13/ Ibid., 1982, Supplement No. 2 and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

thirty-ninth, 14/ fortieth, 15/ forty-first, 16/ forty-second, 17/ forty-third, 18/ forty-fourth, 19/ forty-fifth, 20/ forty-sixth, 21/ forty-seventh 22/ and forty-eighth 23/ sessions,

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of 14 December 1990 and 46/88 of 16 December 1991,

Taking note of the report of the Secretary-General, 24/

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

14/ Ibid., 1983, Supplement No. 3 and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

15/ Ibid., 1984, Supplement No. 4 and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

16/ Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

17/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

18/ Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

19/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

20/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

21/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

22/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

23/ Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

24/ A/47/433.

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of these acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this issue to the General Assembly at its forty-eighth session under the item entitled "Right of peoples to self-determination".

DRAFT RESOLUTION III

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolutions 44/34 and the annex thereto of 4 December 1989, 45/132 of 14 December 1990 and 46/89 of 16 December 1991 on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

Urging strict respect for the principle of the non-use or threat of the use of force in international relations, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 25/

25/ Resolution 2625 (XXV), annex.

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated to mercenary activity,

Convinced that the use of mercenaries is a threat to international peace and security,

Deeply concerned about the menace that the activities of mercenaries represent for all States, particularly African and other developing States,

Profoundly alarmed at the continued international criminal activities of mercenaries in collusion with drug traffickers,

Recognizing that the activities of mercenaries are contrary to the fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and impede the process of the self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

Recalling all of its relevant resolutions, as well as those of the Security Council, the Economic and Social Council and the Organization of African Unity, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements,

Deeply concerned about the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of southern African countries resulting from mercenary aggression,

Convinced that it is necessary to develop international cooperation among States for the prevention, prosecution and punishment of such offences,

Welcoming the adoption of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 26/

1. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination; 27/

26/ Resolution 44/34, annex.

27/ A/47/412, annex.

2. Condemns the continued recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries, for the purpose of destabilizing and overthrowing the Governments of African States and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

3. Reaffirms that the use of mercenaries and their recruitment, financing and training are offences of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

4. Notes with serious concern the use by the Government of South Africa of groups of armed mercenaries against national liberation movements;

5. Denounces any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

6. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation;

7. Calls upon all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation;

8. Reaffirms that to use channels of humanitarian and other assistance to finance, train and arm mercenaries is inadmissible;

9. Calls upon all States that have not yet done so to consider taking early action to accede to or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; 26/

10. Requests the Special Rapporteur of the Commission on Human Rights to report to the General Assembly at its forty-eighth session on the use of mercenaries, especially in view of the additional elements highlighted in his report. 27/